

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHANIEL SPENCER, III,

Plaintiff,

Case No. 1:18-cv-194

v.

HONORABLE PAUL L. MALONEY

EXPERIAN INFORMATION SOLUTIONS,
INC., et al.,

Defendants.

_____ /

ORDER DISMISSING MOTION TO DISMISS AS MOOT

On March 26, 2018, Defendant Equifax, Inc. filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 10). Plaintiff was granted leave to file an amended complaint and the amended complaint was filed (ECF No. 16). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at * 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) ("Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint."). Accordingly, the motion to dismiss the complaint (ECF No. 10) is DISMISSED AS MOOT.

IT IS SO ORDERED.

Date: May 10, 2018

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge